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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,) MAGISTRATE CASTING
Plaintiffs,) COMPLAINT FOR VIOLATION OF
v.) Title 18, U.S.C., Section 2113(a)
ANDRE TYREESE LEGGETT (1),) Bank Robbery
DEOSSY GENE GIBBS (2),)
Defendants.)

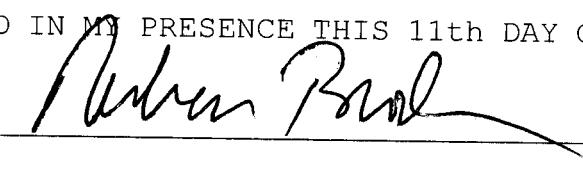
The undersigned complainant, being duly sworn, states:

Count 1

On April 10, 2008, within the Southern District of California, defendants ANDRE TYREESE LEGGETT and DEOSSY GENE GIBBS, by force, violence, and by intimidation, did unlawfully take from the person and presence of an employee of Pacific Trust Bank, at 279 F Street, Chula Vista, California, approximately \$3300 in United States currency belonging to and in the care, custody, control, management and possession of the Pacific Trust Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

And the complainant states that this complaint is based on the attached Probable Cause Statement incorporated herein by reference.


CARLA J. CROFT, Special Agent
Federal Bureau of Investigation

SWORN TO ME AND SUBSCRIBED IN MY PRESENCE THIS 11th DAY OF APRIL
2008.


RUBEN B. BROOKS
United States Magistrate Judge

1

AFFIDAVIT

2

3 I, Carla J. Croft, Special Agent (SA) of the Federal Bureau of
4 Investigation (FBI), being duly sworn, depose and say:

5 1. I am currently assigned to violent crimes investigations in
6 the San Diego Field Division of the FBI. The information contained
7 in this affidavit is based upon my personal knowledge and on the
8 information I have learned from reviewing official reports and
9 speaking with other local and federal law enforcement officers.

10 2. This affidavit is in support of a Complaint for ANDRE TYREESE
11 LEGGETT, black male, date of birth May 04, 1989, for violation of
12 Title 18 of the United States Code, Section 2113 (a), Bank Robbery.

13 3. On Thursday April 10, 2008, at approximately 11:09 a.m., the
14 affiant responded to the report of a robbery at the Pacific Trust
15 Bank, 279 F Street, Chula Vista, California.

16 4. The affiant interviewed the victim teller from Pacific Trust
17 Bank, 279 F Street, Chula Vista, California, who advised as follows:

18 a. On April 10, 2008, as the teller was working a black
19 male entered Pacific Trust Bank, 279 F Street, Chula Vista,
20 California, while speaking on a cellular telephone. The teller
21 greeted the black male, who was carrying two blue merchant bags. The
22 black male told the teller that his boss needed to speak with her and
23 handed her the cellular telephone.

24 b. Upon receiving the cellular telephone the teller heard
25 a male voice state, "I've been watching you closely. I know what
26 you're doing. If you do what I tell you, I won't hurt you or your
27 family." The teller handed the cellular telephone back to the black
28 male standing in front of her. The teller then began removing money

from her top drawer and placing the money into one of the merchant bags. The black male stated that his boss only wanted hundreds, at which time the teller removed the hundreds from her second drawer as well. The black male stated that was not enough money and to provide him with the fifty dollar bills as well. The teller then provided the black male with all her fifty dollar bills. The black male exited Pacific Trust Bank, 279 F Street, Chula Vista, California, through the north exit.

c. The teller was contacted shortly after the robbery by Chula Vista Police Officers, who took her to an area where the passenger of a stopped vehicle matched the description of the bank robber. Upon viewing the passenger the teller positively identified the individual as the black male who had entered Pacific Trust Bank, 279 F Street, Chula Vista, California, and robbed her.

5. The affiant spoke with officers of the Chula Vista Police Department who advised as follows: Immediately after the report of the robbery of Pacific Trust Bank, 279 F Street, Chula Vista, California, undercover Chula Vista Police Officers in the area, observed an individual matching the description of the bank robber get into a ~~green~~ ^{gray w} Dodge Durango, back from a parking space, and turn east on F Street, Chula Vista, California. The undercover Chula Vista Police Officers followed the ~~green~~ ^{gray} Dodge Durango to the entrance ramp to northbound Interstate 805 where Chula Vista Police Officers in marked units performed a traffic stop. After performing the traffic stop, defendant ANDRE TYREESE LEGGETT, was found to be riding as a passenger in the ~~green~~ ^{gray} Dodge Durango getaway vehicle. LEGGETT was wearing a bright green shirt. Co-defendant DEOSSY GENE GIBBS was found to be the driver of the ~~green~~ ^{gray} Dodge Durango getaway vehicle.

1 a. Chula Vista Police Officers detained defendant, LEGGETT,
2 along with the co-defendant DEOSSY GENE GIBBS, who later admitted to
3 being the male voice on the cellular telephone used by defendant
4 LEGGETT during the bank robbery. During the detention, Chula Vista
5 Police Officers brought the victim teller to the scene at the
6 northbound entrance ramp to Interstate 805, where she provided a
7 positive identification of LEGGETT.

8 b. The blue merchant bags utilized during the robbery of
9 Pacific Trust Bank, 279 F Street, Chula Vista, California were
10 recovered from the ~~green~~ Dodge Durango.

11 c. Also \$3300 in United States currency was recovered
12 inside the ~~green~~ Dodge Durango, which was the exact amount stolen
13 during the aforementioned robbery of Pacific Trust Bank, 279 F Street,
14 Chula Vista, California.

15 6. LEGGETT, after being transported to Chula Vista Police
16 Department, was advised of his constitutional Miranda rights. LEGGETT
17 advised that he understood his rights and voluntarily signed the FBI
18 Advice of Rights form indicating he was willing to answer questions
19 without an attorney present. LEGGETT voluntarily advised as follows:

20 a. LEGGETT had known GIBBS for approximately ten years.
21 LEGGETT spent time with GIBBS' family and often worked odd jobs for
22 GIBBS including yard work and moving heavy items. Approximately two
23 months ago, GIBBS had given LEGGETT one hundred dollars to use towards
24 the purchase of a vehicle. GIBBS told LEGGETT that he would have some
25 work for him to do later in exchange for the money.

26 b. On the morning of April 10, 2008, LEGGETT was at school
27 when he received a call from GIBBS. GIBBS asked LEGGETT if he wanted
28 to make some money. LEGGETT agreed to leave school and go with work.

1 with GIBBS. LEGGETT believed they would be doing work similar to what
2 he had previously done with GIBBS.

3 c. GIBBS picked up LEGGETT and they drove south. During
4 the drive GIBBS told LEGGETT there would be consequences for what they
5 were going to do. LEGGETT did not question GIBBS as to the work they
6 were going to do or what consequences he was referring to as LEGGETT
7 trusted GIBBS. GIBBS asked LEGGETT if he was nervous. LEGGETT was
8 told that he would be paid ten racks by the end of the day.

9 d. Eventually, GIBBS pulled up to Pacific Trust Bank, 279
10 F Street, Chula Vista, California. LEGGETT was provided with a Boost
11 Motorola cellular telephone, (619) 608-7044 that is owned by GIBBS and
12 two blue money bags. GIBBS told LEGGETT that he would call him on the
13 cellular telephone while LEGGETT entered the bank. Once in the bank
14 LEGGETT was to give the bags and the cellular telephone to the woman.
15 LEGGETT entered Pacific Trust Bank, 279 F Street, Chula Vista,
16 California, with the blue money bags and the Boost Motorola cellular
17 telephone.

18 e. LEGGETT provided the Boost Motorola cellular telephone
19 (619) 608-7044 to the teller once inside, which had been called by
20 GIBBS with another Boost Motorola cellular telephone (619) 722-9048.
21 LEGGETT assumed that GIBBS was talking to the teller, however, he did
22 not know what GIBBS was saying. The teller put money in one of the
23 bags and gave LEGGETT the cellular telephone. GIBBS told LEGGETT to
24 tell the teller that he only wanted hundred dollar bills. LEGGETT
25 told the teller and then told her to add the fifty dollar bills as
26 well.

27 f. LEGGETT exited Pacific Trust Bank, 279 F Street, Chula
28 Vista, California, and reentered the ~~green~~ ^{gray} Dodge Durango, which was

1 stopped shortly thereafter attempting to enter Interstate 805
2 northbound.

3 g. LEGGETT was transported to the Federal Bureau of
4 Investigation, San Diego Field Office, for booking. After being
5 booked, LEGGETT requested and was granted permission to call his
6 mother. While speaking with his mother LEGGETT stated, "Don't bother
7 getting a lawyer. I did it. Why waste the money?"

8 7. LEGGETT is described as follows:

9 Name: ANDRE TYREESE LEGGETT
10 Race: Black
11 Sex: Male
12 Date of Birth: May 4, 1989
13 Social Security#: XXX-XX-6756
14 Height: 6'1"
15 Weight: 145 pounds
16 Build: Thin
17 Hair: Black, short
18 Residence: 6219 Alderley Street
19 San Diego, California

20 8. GIBBS, after being transported to Chula Vista Police
21 Department, was advised of his constitutional Miranda rights. GIBBS
22 advised that he understood his rights and voluntarily signed the FBI
23 Advice of Rights form indicating he was willing to answer questions
24 without an attorney present. GIBBS voluntarily advised as follows:

25 a. GIBBS and LEGGETT had begun discussing committing the robbery
26 of Pacific Trust Bank, 279 F Street, Chula Vista, California, a couple
27 of days prior to the actual commission. GIBBS favored the Pacific
28 Trust Bank, 279 F Street, Chula Vista, California, after visiting the
bank approximately three weeks prior.

b. On April 10, 2008, GIBBS and LEGGETT discussed the consequences of committing the bank robbery outside of ECC school, San Diego, California, where GIBBS met LEGGETT. LEGGETT stated, "Let's go do it." Upon agreement, GIBBS and LEGGETT drove to Pacific Trust Bank, 279 F Street, Chula Vista, California.

c. Once parked outside Pacific Trust Bank, LEGGETT was provided with a Boost Motorola cellular telephone, (619) 608-7044 that is owned by GIBBS and two blue merchant bags. LEGGETT entered Pacific Trust Bank, 279 F Street, Chula Vista, California, with the two blue merchant bags and the Boost Motorola cellular telephone.

d. LEGGETT provided the Boost Motorola cellular telephone (619) 608-7044 to the teller once inside, which had been called by GIBBS with another Boost Motorola cellular telephone (619) 722-9048. GIBBS stated to the teller, "We've been watching you for awhile. Put the money in the bag. He's not going to hurt anybody. Do you understand?".

e. LEGGETT exited Pacific Trust Bank, 279 F Street, Chula Vista, California, and reentered the ^{gray C.J.} ~~green~~ Dodge Durango, which was stopped shortly thereafter on the access ramp to Interstate 805 northbound. Upon being stopped by Chula Vista Police Officers GIBBS telephoned his wife, Marcia Gibbs, stating, " Things are not right, I'm not coming home right now."

9. GIBBS is described as follows:

Name: DEOSSY GENE GIBBS

Race: Black

Sex: Male

Date of Birth: November 19, 1967

Social Security#: XXX-XX-0198

Height: 5'11"

1 Weight: 350 pounds
2 Build: Heavy
3 Hair: Black, short
4 Residence: 6260 Alderley Street
5 San Diego, California

6 10. The affiant has confirmed that the deposits of the Pacific
7 Trust Bank, 279 F Street, Chula Vista, California, were insured by the
8 Federal Deposit Insurance Corporation (FDIC) at the time of the bank
9 robbery on April 10, 2008. The Pacific Trust Bank, 279 F Street,
10 Chula Vista, California, incurred a loss of \$3300 in United States
11 currency as a result of that bank robbery.

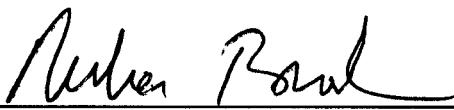
12 11. The foregoing information and evidence indicates that ANDRE
13 TYREESE LEGGETT and DEOSSY GENE GIBBS, on April 10, 2008, did by force
14 take from the person and presence of employees of Pacific Trust Bank,
15 279 F Street, Chula Vista, California, the deposits of which were then
16 insured by the FDIC, approximately \$3300 in United States currency,
17 belonging to and in the care, custody, control, management, and
18 possession of such bank.

19 The foregoing is true and correct to the best of my information
20 and belief.



21 _____
22 Carla J. Croft
23 Special Agent, FBI

24 Sworn to before me and subscribed in my presence this 11th day of
25 April, 2008, at 12:35 a.m. (p.m.)



26 _____
27 Ruben B. Brooks
28 United States Magistrate Judge